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Compilation on Ukraine

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Ukraine was encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[3] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[4] the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169)[5] and the 2008 Convention on Cluster Munitions,[6] and accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).[7]

3. The United Nations country team[8] noted that the 2016 constitutional amendments had allowed Ukraine to ratify the Rome Statute of the International Criminal Court, but by no earlier than September 2019.[9]

4. It also noted that Ukraine had not become a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.[10]

5. In March 2014, the human rights monitoring mission in Ukraine, established by the Office of the United Nations High Commissioner for Human Rights (OHCHR), had initiated its activities at the invitation of the Government of Ukraine and in accordance with General Assembly resolution 68/262 on the territorial integrity of Ukraine.[11] Since 2014, the Assistant Secretary-General for Human Rights had visited Ukraine five times.

6. OHCHR indicated that, in June 2015, the Government of Ukraine had notified the Secretary-General of derogations from articles 2 (3), 9, 12, 14 and 17 of the International Covenant on Civil and Political Rights to be applied in certain districts of the Donetsk and

Luhansk regions.[12] The United Nations country team recommended that Ukraine establish a mechanism for the periodic independent review by Parliament of the necessity of measures derogating from the Covenant and that derogations be lifted as soon as no longer required.[13]

7. OHCHR reported that, in October 2015, the Government had given further notification on "the specifics of the territorial application and implementation" of 16 United Nations treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, stating that the application and implementation by Ukraine of its obligations under those treaties was "limited" and "not guaranteed" on territories deemed to be occupied and uncontrolled. OHCHR stressed that the notification had invoked some treaty provisions, such as those prohibiting torture, that remained binding on States as part of customary international law.[14]

III. National human rights framework[15]

8. The United Nations country team noted that the Government had amended the Constitution in June 2016, creating legal conditions for an independent judiciary, including transparent procedures and criteria for the appointment and dismissal of judges and the use of disciplinary measures. It also noted that further amendments to the Constitution in the area of human rights and decentralization were pending.[16]

9. The team reported that, while Ukraine had acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, provisions regarding criminalization of enforced disappearance had not been integrated in national legislation.[17]

10. The team stated that the Ombudsperson's Office had been re-accredited with "A" status under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and noted other positive developments. It recommended that its regional presence be enhanced under the current model of Ombudsperson's Office staff combined with civil society partners with proper State funding, and that its current mandates on personal data protection and access to public information be entrusted to an independent supervisory body.[18] The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment welcomed the designation of the Ombudsperson's Office as the national preventive mechanism. It was, however, concerned that it lacked sufficient resources to carry out its functions fully and considered that its preventive activities could be strengthened and its public profile increased.[19]

11. OHCHR indicated that, in November 2015, the Government had adopted the Human Rights Action Plan of Ukraine, which had included activities aimed at addressing systemic issues and conflict-related challenges.[20]

12. In February 2015, the Government adopted and signed the "Package of measures for the Implementation of the Minsk Agreements" on the peaceful settlement of the conflict in eastern Ukraine, which was endorsed by the Security Council in its resolution 2202 (2015).

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[21]

13. The Committee on the Elimination of Racial Discrimination welcomed the adoption of the 2012 Act on the principles of preventing and combating discrimination, but was concerned at the absence of national origin and descent as grounds for racial discrimination.[22] Similarly, the Human Rights Committee raised concern about the absence of sexual orientation and gender identity as prohibited grounds for discrimination.[23]

14. Both Committees were also concerned at reports of increased racist hate speech and discriminatory statements in the public discourse, as well as racially motivated incidents and hate crimes, against, inter alia, Roma, Crimean Tatars, Jews, lesbian, gay, bisexual and transgender persons, Africans, asylum seekers and refugees in Ukraine.[14] Such crimes and incidents were not always adequately and effectively investigated, and those responsible were not prosecuted and punished.[15] In addition, requirements for the application of article 161 of the Criminal Code to acts of racial discrimination had hampered its effectiveness, resulting in difficulties in proving racial motivation.[16]

15. While noting some positive efforts by the authorities, the United Nations country team indicated that hate crimes remained underreported and that there was no government system in place for monitoring such crimes. It recommended, inter alia, that Ukraine conduct public campaigns to promote cultural diversity and tolerance towards victims of hate crimes.[17]

16. The Special Rapporteur on minority issues stressed that the Government and all political parties had to uphold the highest standards regarding the banning of statements and political platforms that promoted racism, xenophobia or hate speech, or that were intended to incite ethnic, religious or other forms of hatred or intolerance.[18]

17. The United Nations country team noted that, in 2015, Ukraine had adopted labour legislation prohibiting discrimination on the grounds of sexual orientation, although no criminal sanctions had been foreseen.[19]

2. Development, the environment, and business and human rights[20]

18. The Committee on Economic, Social and Cultural Rights was concerned about the extent of corruption in Ukraine and its adverse impact on the enjoyment of all human rights. It recommended, inter alia, that Ukraine, as a matter of priority, address the root causes of corruption.[21]

19. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes warned against the threat of catastrophic chemical disaster due to the armed conflict in eastern Ukraine.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

20. The United Nations country team reported that, since mid-April 2014, over 2,000 civilians had been killed in armed hostilities, mostly as a result of indiscriminate shelling of populated areas in eastern Ukraine. Hospitals, schools and other civilian objects that enjoyed protected status under international humanitarian law had been targeted. Government forces and armed groups had used civilian infrastructure for military purposes and military positions continued to be located in or near residential areas. The parties to the conflict had laid landmines, including anti-personnel mines.[24]

21. Dozens of civilians and persons hors de combat had been subjected to summary executions and killings or had died of torture and ill-treatment in custody. About 3,000 conflict-related detainees had been deprived of their liberty in the territories controlled by the armed groups. They had been subjected to torture, ill-treatment and/or inhuman conditions of detention, often aggravated by the lack of access of external observers. In Government-controlled territory, conflict-related detainees had often been kept incommunicado, including in unofficial places of detention, and subjected to torture and ill-treatment. Hundreds of persons remained missing on both sides of the contact line.[25]

22. OHCHR indicated that cases of conflict-related sexual violence against women and men remained underreported mainly owing to the stigma and shame survivors felt, the lack of pertinent services on both sides of the contact line and the weak capacity of law enforcement to investigate crimes of a sexual nature.[26]

23. It noted that the provision of humanitarian assistance remained challenging in territory controlled by armed groups in the eastern regions. Humanitarian access to persons

in need continued to be seriously hampered by the "accreditation" system imposed by armed groups.[23]

24. The United Nations country team recommended that the Government and other actors performing State-like functions: put an end to fighting and violence, including through the full implementation of the Minsk agreements and by removing heavy weapons; provide unhindered access to external monitors to all places where people might be detained; and ensure full respect of international human rights law and international humanitarian law, including the prohibition of killing or injuring civilians and other protected persons, arbitrary deprivation of liberty, enforced disappearance, torture and cruel or inhuman treatment, indiscriminate or disproportional attacks, denial of humanitarian relief, destruction or appropriation of civilian objects or other protected objects and denial of fair trial rights.[24]

25. The Special Rapporteur on extrajudicial, summary or arbitrary executions made similar recommendations, adding, inter alia, that all remaining illegal volunteer battalions and militias should be disbanded and disarmed or effectively integrated into the regular armed forces, with effective control and accountability.[25]

26. The Special Rapporteur noted that, during the period from December 2013 to February 2014, 123 people had lost their lives as a result of violence during the protests in Maidan Square in Kyiv, including 106 persons — most of them protesters — and 17 officers of the internal affairs police. He raised concerns that at least 77 persons had been killed as a result of the firing of live ammunition, allegedly by special police force and other law enforcement officers.[26]

27. The Special Rapporteur also noted that, in May 2014 in Odessa, at least 48 people had died in the context of clashes between rallies of people of opposing political opinions, to which authorities appeared to have reacted in a deliberate, ill-prepared or negligent fashion, not intervening to prevent or stop the violence at the Kulykove Pole Square.[27]

28. The Subcommittee on Prevention of Torture reiterated its recommendation that Ukraine bring provisions of the Criminal Code regarding the definition of torture into full compliance with article 1 of the Convention against Torture. It also recommended that the offence of torture be prosecuted under the provision relating to torture — rather than under those relating to abuse of power or authority — and that acts of torture and ill-treatment be made punishable by penalties commensurate with their gravity.[28] The Committee against Torture made similar recommendations.[29]

29. The Subcommittee on Prevention of Torture referred to numerous and serious allegations of acts, committed under the control of the State Security Service, during periods of unofficial detention and during the apprehension and interrogation of detained persons, that would amount to torture and/or ill-treatment.[30]

30. The Committee on the Elimination of Discrimination against Women recommended that Ukraine amend article 152 of the Criminal Code so as to incorporate provisions on sexual violence, including a broader definition of rape, in line with international standards, which will include the conditions "committed by force, or by threat of force, or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person, or by taking advantage of a coercive environment or committed against a person incapable of giving genuine consent" in order to ensure accountability for conflict-related sexual violence.[31]

31. The Committee against Torture remained concerned about the poor conditions in places of detention, including serious overcrowding, and the high mortality rate previously documented among prisoners, including a high incidence of suicide.[32]

32. The Committee on the Rights of Persons with Disabilities was concerned about the various forms of abuse, including those that could amount to cruel, inhuman or degrading treatment, against persons with disabilities, particularly boys and girls in conditions of institutionalization.[33]

2. Administration of justice, including impunity, and the rule of law[a]

11. The United Nations country team stressed that impunity for perpetrators of human rights violations was widespread, often justified by the challenges posed by the ongoing conflict.[47]

12. The team recommended that Ukraine: ensure that investigations for killings and other violations in the east were prompt, independent and impartial and that those responsible, directly or as bearers of command authority, were brought to justice; ensure that no impunity to perpetrators complicit with acts of arbitrary deprivations of life and other gross violations of human rights and serious violations of international humanitarian law took place in the context of amnesty and pardoning envisaged by the Minsk agreements or any other amnesty or pardoning; repeal legal provisions allowing a person arrested on suspicion of terrorism to be detained for up to 30 days without any court review; prevent interference with the independence of the judiciary, including through securing the safety of courtrooms, judges, prosecutors and defence lawyers; and take steps to establish the State Bureau of Investigation tasked with investigating crimes committed by high-ranking officials, judges and law enforcement officers and ensure its effective functioning.[48] Several treaty bodies and special procedures made similar recommendations.[49]

13. The Special Rapporteur on executions added, inter alia, that proper internal measures for reporting exchanges of fire and a system of independent oversight of all those who performed law enforcement functions should be established.[50]

14. The United Nations country team highlighted that the armed groups had undermined the human rights of the people residing under their control notably by imposing an arbitrary system of rules. Subjected to unaccountable rule and excluded from the legal system applying to the rest of Ukraine, the population living in the territories controlled by the armed groups had been effectively denied protection and deprived of basic human rights and freedoms.[51]

15. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination encouraged enhanced mutual legal assistance regimes and extradition agreements with the countries of origin of the foreign fighters, to facilitate a greater exchange of evidence and information in order to better secure convictions for crimes committed in Ukraine.[52]

16. The United Nations country team stated that investigations into the human rights violations that had taken place during the Maidan protests had seen some progress, while those into the violence in Odessa had progressed selectively, with the trials being subjected to undue delays and continued interference and no one being held accountable.[53] The authorities were urged to complete the investigations into the events as a matter of priority and establish accountability.[54]

17. The country team, the Subcommittee on Prevention of Torture and the Committee against Torture recommended that Ukraine investigate all allegations of torture and ill-treatment through processes that were prompt, impartial, thorough, transparent, efficient and effective, and that those responsible be prosecuted.[55]

18. The Committee against Torture and the Subcommittee on Prevention of Torture recommended that Ukraine ensure fundamental safeguards, including information on rights and on detention, notification of custody, access to a lawyer, medical care and examination and contact with the outside world, applicable to all detainees, regardless of the reason for or the place of detention.[56]

21. The United Nations country team noted that women experienced more serious barriers in terms of access to justice than men.[57]

22. The country team stated that insufficient efforts had been made to prevent abuse of children in detention facilities, while juvenile crime rates had increased. It recommended that Ukraine develop a separate legislative framework on juvenile justice and that it establish a system of complaints and responses for such abuses.[58]

23. The Committee on the Rights of Persons with Disabilities was concerned that persons working in the administration of justice had not been adequately trained on the rights of

persons with disabilities, including on reasonable accommodation and procedural accessibility.[61]

3. Fundamental freedoms and the right to participate in public and political life[62]

44. The United Nations country team indicated that armed groups had persecuted members of religious minorities — mostly Protestants and Jehovah's Witnesses — who had been abducted and ill-treated. The groups had also seized or looted church buildings and houses of prayer.[63]

45. OHCHR noted an ongoing deterioration in the right to freedom of opinion and expression in conflict-affected parts of Ukraine, particularly in territory controlled by armed groups who continued to block Ukrainian broadcasting, including through a ban of over 350 websites, and to restrict access to printed Ukrainian media. On both sides of the contact line, OHCHR observed intimidation of and attacks on media representatives and outlets, self-censorship among journalists and bloggers and worrying signs in the domain of access to public information and open data for the general population.[64]

46. The United Nations Educational, Scientific and Cultural Organization (UNESCO) urged Ukraine to investigate the killings of journalists and to report voluntarily on the status of judicial follow-up.[65]

47. OHCHR expressed concern about amendments voted by Parliament to the Law on Prevention of Corruption, which included several ambiguous provisions that could have a chilling effect on civic anti-corruption activities.[66]

48. OHCHR stated that, since the Maidan events, the number of bans of peaceful assemblies across Ukraine had steadily decreased. However, it noted that such restrictions were still used.[67] It reported an improvement in the policing and security provided for various anniversary and commemorative events throughout Ukraine.[68]

4. Prohibition of all forms of slavery[69]

49. The United Nations country team indicated that the Government had adopted regulatory acts to enforce existing anti-trafficking legislation. A national action plan for the period 2016-2020 had been adopted in February 2016, but the estimated costs had exceeded State budget funds. An anti-trafficking specialization for investigators and prosecutors had been introduced, but the effectiveness of investigations remained limited, notably due to the significant understaffing of the counter-trafficking department within the National Police.[70]

50. The team stressed that the armed conflict had increased the risk of trafficking in persons. It recommended, inter alia, that Ukraine address the challenges related to the growing number of cases of trafficking and exploitation among the conflict-affected population, including identification and referrals.[71]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[72]

51. The United Nations country team noted that, owing to inefficiencies and outdated methodologies, the employment and social benefits systems chronically underperformed and did not generate decent and sustainable work and living conditions.[73]

52. Several treaty bodies were concerned that young people, Roma, Crimean Tatars,[74] refugees and asylum seekers[75] and persons with disabilities[76] faced difficulties in gaining access to the labour market.

53. The Committee on Economic, Social and Cultural Rights was concerned about the persistent and significant pay gap between women and men, which stood on average at around 30 per cent.[77] The United Nations country team noted that the Labour Code did not ensure the application of the ILO treaty obligation of "equal pay for work of equal value".[78]

2. Right to social security

54. The Committee on Economic, Social and Cultural Rights commended Ukraine for establishing the concept of State social standards comprising the minimum wage, the minimum pension and the subsistence level and for regularly increasing the relevant amounts. However, it was concerned that such standards were still not sufficient to provide workers, unemployed persons and pensioners with a decent living for themselves and their families.[79]

55. OHCHR stated that at least 160,000 pensioners residing in territory controlled by armed groups had not received their pensions between December 2014 and December 2016 because they had not been registered as internally displaced persons. Those who had registered had been subjected to a cumbersome verification procedure.[80]

3. Right to an adequate standard of living[81]

56. The Committee on Economic, Social and Cultural Rights was concerned at the high poverty rates among the most disadvantaged and marginalized individuals and groups, including Roma and Crimean Tatars. It was further concerned that the poverty rate in rural areas was 1.7 times higher than in urban areas.[82]

57. The Committee remained concerned that the majority of Roma continued to live in substandard housing conditions without safe drinking water or sanitation facilities, electricity, heating, sewage, waste disposal or legal security of tenure.[83]

58. OHCHR stressed that the housing needs of the population affected by the conflict in eastern Ukraine were become increasingly acute and that the lack of a compensation mechanism for damaged or destroyed property remained one of the biggest concerns among that population.[84] Access to and quality of water in armed group-controlled territory in eastern Ukraine was also of great concern.[85]

4. Right to health[86]

59. The United Nations country team stated that Ukraine had continued its efforts to prevent and combat HIV/AIDS and, in 2016, had begun the process of reforming its national health system. The team recommended, inter alia, that Ukraine improve immunization coverage monitoring and ensure access to affordable, quality and timely health care and medical treatment for all segments of the population.[87]

60. While noting some progress made, the Committee on Economic, Social and Cultural Rights was concerned about the lasting high rates of child and maternal mortality and the prevalence of tuberculosis.[88]

61. The Committee on the Elimination of Discrimination against Women urged Ukraine to ensure that women victims of sexual violence were given access to comprehensive medical treatment, mental health care and psychological support provided by health professionals who were appropriately trained to detect sexual violence and treat its consequences.[89]

62. OHCHR observed that the essential elements of the right to health, such as availability, accessibility and quality of health care, were not always granted in the vicinity of the contact line,[90] notably in the case of internally displaced persons, as noted by the Special Rapporteur on the human rights of internally displaced persons.[91]

5. Right to education[92]

63. UNESCO reported that recent official information related to the right to education in Ukraine was quasi non-existent and encouraged the Government to render accessible updated information on the measures taken concerning the implementation of that right.[93]

64. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of negative and patriarchal stereotypes of women and girls in school curricula and textbooks.[94]

65. The Committee on the Elimination of Racial Discrimination recommended that Ukraine strengthen its measures to improve access to education for Roma children.[95]

66. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of Persons with Disabilities were concerned about the segregation of Roma children and children with disabilities in education.[96]

67. The Committee on Economic, Social and Cultural Rights recommended that Ukraine take measures to further improve the situation of Crimean Tatars and ensure their de facto access to education.[97] The Committee on the Elimination of Racial Discrimination made a similar recommendation, adding that Ukraine should provide Crimean Tatar children with education in the Tatar language.[98]

68. The Special Rapporteur on internally displaced persons noted a number of challenges faced by internally displaced children in gaining access to education.[99]

D. Rights of specific persons or groups

1. Women[100]

69. The Committee on the Elimination of Discrimination against Women remained concerned at the persistence in political discourse, in the media and in society of deep-rooted patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family.[101]

70. The Committee remained concerned at the prevalence in Ukraine of violence against women, in particular domestic and sexual violence, which remained underreported. While noting that the bill on the ratification of the Istanbul Convention was undergoing a second reading in Parliament, it was concerned that domestic violence had not been criminalized and that there was no specific definition of gender-based violence in the domestic legislation. It recommended that Ukraine criminalize domestic violence; take comprehensive measures to prevent and address violence against women and girls and ensure that perpetrators were prosecuted and adequately punished; provide mandatory capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of legislation criminalizing violence against women and on gender-sensitive procedures to deal with women victims of violence; provide adequate redress, assistance and protection to women victims of violence; and collect statistical data on domestic, sexual and other forms of violence against women, disaggregated by age and the relationship between the victim and the perpetrator.[102]

71. The Committee considered that the continuing armed conflict posed a challenge to the implementation of the Convention. It was concerned that there was evidence of many cases of sexual violence in the conflict-affected areas, not to mention those not reported.[103]

72. While welcoming efforts in the area, the Committee expressed concerned that women remained significantly underrepresented at the decision-making levels in Parliament, Government and the diplomatic service. It recommended, inter alia, that Ukraine adopt a global strategy based on targeted measures to ensure that women were appointed to decision-making positions at the national and local levels on an equal footing with their male counterparts.[104] The United Nations country team stated that amendments to the Law on Political Parties stipulating a 30 per cent quota for women on party lists had been adopted in 2013. However, no enforcement mechanism was in place.[105]

2. Children[106]

73. The United Nations country team reported that the Government had adopted a national plan of action on the implementation of the Convention of the Rights of the Child for the period 2017-2022, aiming to establish an effective child rights protection system at the local level and form a child-friendly environment based on international standards.[107]

74. The team noted that Ukrainian legislation did not define sexual exploitation or contain a specific definition of child pornography.[108]

75. While noting positively that the minimum age for marriage had been raised to 18 years for girls, the Committee on the Elimination of Discrimination against Women was concerned that the practice of marriage below 18 still persisted in Roma communities.[109]

76. The United Nations country team stressed that the armed conflict had created unprecedented challenges to the fulfilment of children's rights and had psychologically affected children and their caregivers. It recommended that Ukraine develop a specialized child monitoring system regarding the conflict in eastern Ukraine.[110]

3. Persons with disabilities[111]

77. The Committee the Rights of on Persons with Disabilities, while noting some positive measures taken in the area, expressed concern, inter alia, that the medical approach to disability was still predominant, owing to a lack of professional training on and understanding of the rights of persons with disabilities among public officials and professionals[112] and that the guardian of a person recognized as legally incapable was authorized to give consent to the sterilization of the person concerned without his or her free consent.[113] It was also concerned at reports that persons with disabilities, including children, had been abandoned and had been unable to be evacuated during the conflict in eastern Ukraine.[114]

4. Minorities and indigenous peoples[115]

78. The United Nations country team indicated that the Law on National Minorities (1992) had not been amended and, because of its vagueness and inconsistency, had led to legal uncertainty for persons belonging to national minorities with regard to the enjoyment of their rights in the areas of education, language or representation in elected bodies.[116]

79. The Special Rapporteur on minority issues recommended that Ukraine establish a consultative and advisory body on minority issues empowered to consider a wide range of matters of relevance to minorities and measures to address practically and prevent ethnic tensions from emerging. She also recommended that it consider having a dedicated ombudsperson or similar structure mandated to address minority issues and receive complaints from minorities.[117]

80. The Special Rapporteur highlighted that in the medium to long term, more robust responses from the Government were required to address Roma exclusion, marginalization and poverty.[118] The United Nations country team stated that, in October 2016, the Parliamentary Committee on Human Rights, National Minorities and Interethnic Relations had concluded that the Government had inadequately implemented the Strategy for the Protection and Integration of the Roma and its Action Plan.[119] The Committee on Economic, Social and Cultural Rights and the Human Rights Committee recommended that Ukraine simplify procedures and remove existing obstacles to ensure that all Roma were provided with personal documents, including birth certificates.[120] The Committee on the Elimination of Racial Discrimination was concerned at reports that some Roma had been unable to flee the conflict zones owing to a lack of identity documents and that some Roma who had fled those zones faced xenophobia and had been denied assistance.[121]

81. The Committee on the Elimination of Racial Discrimination recommended that Ukraine strengthen the measures aimed at ensuring favourable conditions for Crimean Tatars to preserve, develop and promote their identity, language and culture.[122]

5. Migrants, refugees, asylum seekers and internally displaced persons[123]

82. The United Nations country team stated that Ukraine had no State migration policy strategy. It added that irregular migrants were provided by law with free secondary legal aid, but often did not make use of it owing to the low level of information provided by detaining authorities and the absence of interpreters. Legislative changes had been adopted, introducing alternatives to detention for irregular migrants in the form of guarantees provided by legal entities, but were inapplicable owing to the absence of a regulatory mechanism. Aside from two reception centres, there was no government housing scheme for refugees and asylum seekers and no State social assistance had been provided to them.[124]

83. While noting that no cases of refoulement had been reported since 2013, the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Ukraine ensure effective protection from refoulement and improve asylum procedures, including by establishing a formalized border monitoring mechanism in cooperation with its office and civil society organizations.[125]

84. The United Nations country team reported that the conflict in the east and the situation in Crimea had led to the internal displacement of 1.6 million people. In addition to the heightened risk of sexual and gender-based violence, challenges faced by displaced persons included restricted freedom of movement and problems in gaining access to accommodation, documentation, rights, social benefits and pensions. It recommended, inter alia, that Ukraine develop a special simplified procedure for people who had lost their identification documents to obtain temporary travel and civil registration documents and delinking registration as an internally displaced person from all social entitlements not related to internal displacement.[126]

85. The Special Rapporteur on internally displaced persons welcomed the adoption in October 2014 of the Law on the Rights and Freedoms of Internally Displaced Persons, despite the fact that some revisions might be required to bring it fully into line with international standards.[127] He recommended, on the basis of the Law, that Ukraine prioritize a harmonized and coordinated registration process to be used regionally and nationally; that it clearly define responsibilities for issues related to displaced persons and support for them under the general leadership of a dedicated government body; and that it establish long-term planning and a national strategy to address the short-, medium- and long-term needs of internally displaced persons and the need for durable solutions.[128]

6. Stateless persons

86. UNHCR reported that a bill that would amend the existing national legislation on foreigners and stateless persons was being considered. While noting some proposed improvements, it recommended, inter alia, that Ukraine harmonize the definition of "a stateless person" with that of the 1954 Convention relating to the Status of Stateless Persons; and that it ensure the prompt adoption of the bill and implement by-laws that established a statelessness determination procedure in line with the Convention and international standards and best practices.[129]

E. Specific regions or territories

87. In December 2016, the General Assembly adopted resolution 71/205 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, in which it condemned the temporary occupation of Crimea.[130]

88. In the resolution, the General Assembly welcomed the reports of OHCHR and regional human rights mechanisms in which they had stated that violations and abuses of human rights had continued to take place in Crimea and had pointed to the sharp deterioration in the overall human rights situation.

89. Since 2014, OHCHR had recorded violations of human rights and international humanitarian law affecting people residing in the peninsula, including the silencing of dissenting voices through the initiation of repressive measures targeting mainly pro-Ukrainian activists and Crimean Tatars and their institutions; cases of disappearances and arbitrary arrests; cases of death and torture, cruel, inhuman or degrading treatment or punishment of detainees; forced transfers of protected persons from Crimea; non-respect of fair trial guarantees; violations of freedoms of expression, peaceful assembly, association and religion; attacks and intimidation of independent journalists, human rights defenders and religious communities; discrimination in relation to the right to work; the decline of Ukrainian as a language of instruction; and difficulties in gaining access to health services and social protection and in exercising the right to property.[131]

90. In paragraphs 2 and 4 of its resolution 71/205, the General Assembly urged international human rights monitoring missions and human rights non-governmental

organizations to be granted proper and unimpeded access to Crimea. OHCHR and a number of special procedure mandate holders made a similar recommendation.[132]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Ukraine will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/UAIndex.aspx.
[2] For relevant recommendations, see A/HRC/22/7, paras. 97.1-97.15, 97.20, 97.45 and 97.87.
[3] See E/C.12/UKR/CO/6, para. 29; CEDAW/C/UKR/CO/8, para. 55; and CERD/C/UKR/CO/22-23, para. 33.
[4] See CAT/C/UKR/CO/6, para. 25; and E/C.12/UKR/CO/6, para. 29.
[5] See CERD/C/UKR/CO/22-23, para. 33.
[6] See A/HRC/32/39/Add.1, para. 98.
[7] See CEDAW/C/UKR/CO/8, para. 29 (a); and country team submission, p. 9.
[8] Including contributions from the Office of the United Nations High Commissioner for Human Rights, IOM, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, United Nations Entity for Gender Equality and the Empowerment of Women and the Peace and Development Adviser.
[9] United Nations country team submission for the universal periodic review of Ukraine, p. 3.
[10] Ibid., p. 6.
[11] See OHCHR report dated 15 April 2014, para. 12. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[12] See OHCHR report dated 15 August 2015, paras. 159-161. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.asp.
[13] Country team submission, p. 4.
[14] See OHCHR report dated 3 March 2016, para. 168. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[15] For relevant recommendations, see A/HRC/22/7, paras. 97.17, 97.21 and 97.24.
[16] Country team submission, pp. 3 and 1.
[17] Ibid., p. 2.
[18] Ibid., pp. 12-13.
[19] See CAT/OP/UKR/3, paras. 15-16 and 18-21. See also A/HRC/32/39/Add.1, para. 106.
[20] See OHCHR report dated 3 Match 2016, para. 172.
[21] For relevant recommendations, see A/HRC/22/7, paras. 97.25-97.28, 97.30, 97.38, 97.44, 97.55-97.62, 97.64-97.74, 97.105, 97.107 and 97.125.
[22] See CERD/C/UKR/CO/22-23, para. 7.
[23] See CCPR/C/UKR/CO/7, para. 8. See also CCPR/C/UKR/CO/7/Add.1, para. 8.
[24] See CERD/C/UKR/CO/22-23, paras. 11-13; and CCPR/C/UKR/CO/7, para. 11. See also country team submission, p. 9-10.
[25] See CERD/C/UKR/CO/22-23, para. 13.
[26] Ibid., para. 17. See also CCPR/C/UKR/CO/7, para. 11; and country team submission, p. 10.
[27] Country team submission, pp. 9-10.
[28] See A/HRC/28/64/Add.1, para. 90.
[29] Country team submission, p. 9.
[30] For relevant recommendations, see A/HRC/22/7, paras. 97.131 and 97.132.
[31] See E/C.12/UKR/CO/6, para. 6.
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21344&LangID=E.
[33] For relevant recommendations, see A/HRC/22/7, paras. 97.32-97.37, 97.51, 97.75, 97.93, 97.99-97.104, 97.108 and 97.110.
[34] Country team submission, p. 2.
[35] Ibid.
[36] See OHCHR report dated 16 February 2017, paras. 143-147. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[37] See OHCHR report dated 13 June 2017, para. 132. Available from http.www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[38] Country team submission, pp. 2-3.
[39] See A/HRC/32/39/Add.1, para. 99. See also A/HRC/32/39/Add.5.
[40] See A/HRC/32/39/Add.1, paras. 36-37. See also CAT/C/UKR/CO/6, para. 10; and OHCHR report dated 15 April 2014, pp. 13-15.
[41] See A/HRC/32/39/Add.1, para. 40. See also OHCHR report dated 15 June 2014, pp. 9-17, available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[42] See CAT/OP/UKR/3, paras. 24-25.

[43] See CAT/C/UKR/CO/6, paras. 7-8. See also CAT/C/UKR/CO/6/Add.1 and CAT/C/UKR/CO/6/Add.2.
[44] See CAT/OP/UKR/3, paras. 34-36.
[45] See CEDAW/C/UKR/CO/8, para. 15.
[46] See CAT/C/UKR/CO/6, paras. 19-20. See also CCPR/C/UKR/CO/7, para. 13.
[47] See CRPD/C/UKR/CO/1, para. 32.
[48] For relevant recommendations, see A/HRC/22/7, paras. 97.88-97.92, 97.94-97.98, 97.106, 97.109, 97.111-97.114, 97.117 and 97.123.
[49] Country team submission, p. 3.
[50] Ibid., p. 4.
[51] See CCPR/C/UKR/CO/7, para. 15; CAT/C/UKR/CO/6, para. 10; A/HRC/32/39/Add.1, para. 95; and A/HRC/33/43/Add.3, para. 100.
[52] See A/HRC/32/39/Add.1, para. 101.
[53] Country team submission, p. 3.
[54] See A/HRC/33/43/Add.3, para. 101.
[55] Country team submission, p. 4.
[56] Ibid. See also A/HRC/32/39/Add.1, para. 102; and CAT/OP/UKR/3, para. 10.
[57] Country team submission, p. 3. See also CAT/OP/UKR/3, para. 39; and CAT/C/UKR/CO/6, para. 10.
[58] See CAT/OP/UKR/3, paras. 43-78; and CAT/C/UKR/CO/6, para. 9.
[59] Country team submission, p. 8.
[60] Ibid., pp. 6-7. See also CAT/C/UKR/CO/6, para. 13.
[61] See CRPD/C/UKR/CO/1, para. 28.
[62] For relevant recommendations, see A/HRC/22/7, paras. 97.18-97.19, 97.50 and 97.118-97.124.
[63] Country team submission, p. 10.
[64] See OHCHR report dated 13 June 2017, paras. 104-105. See also A/HRC/32/39/Add.1, para. 51.
[65] UNESCO submission for the universal periodic review of Ukraine, p. 5.
[66] See OHCHR report dated 13 June 2017, para. 111.
[67] See OHCHR report dated 8 December 2016, para. 117. Available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[68] See OHCHR report dated 13 June 2017, para. 110.
[69] For relevant recommendations, see A/HRC/22/7, paras. 97.49 and 97.80-97.85.
[70] Country team submission, pp. 10-11.
[71] Ibid. See also CAT/C/UKR/CO/6, para. 15; and CCPR/C/UKR/CO/7, para. 16.
[72] For the relevant recommendation, see A/HRC/22/7/Add.1, para. 97.52.
[73] Country team submission, p. 12.
[74] See E/C.12/UKR/CO/6, para. 12.
[75] See CERD/C/UKR/CO/22-23, para. 25.
[76] See E/C.12/UKR/CO/6, para. 12; and CRPD/C/UKR/CO/1, para. 50.
[77] See E/C.12/UKR/CO/6, para. 11. See also CEDAW/C/UKR/CO/8, para. 36.
[78] Country team submission, p. 8.
[79] See E/C.12/UKR/CO/6, para. 15.
[80] See OHCHR report dated 13 June 2017, para. 117.
[81] For relevant recommendations, see A/HRC/22/7, paras. 97.47 and 97.48.
[82] See E/C.12/UKR/CO/6, para. 17.
[83] Ibid., para. 18.
[84] See OHCHR report dated 13 June 2017, paras. 127-128.
[85] Ibid., para. 116.
[86] For relevant recommendations, see A/HRC/22/7, paras. 97.23, 97.46 and 97.128-97.130.
[87] Country team submission, pp. 7 and 11-12.
[88] See E/C.12/UKR/CO/6, paras. 20-23.
[89] See CEDAW/C/UKR/CO/8, para. 15.
[90] See OHCHR report dated 13 June 2017, para. 137.
[91] See A/HRC/29/34/Add.3, para. 90.
[92] For relevant recommendations, see A/HRC/22/7, paras. 97.126-97.127.
[93] UNESCO submission, p. 5.
[94] See CEDAW/C/UKR/CO/8, para. 34.
[95] See CERD/C/UKR/CO/22-23, para. 22.
[96] See E/C.12/UKR/CO/6, para. 25; and CRPD/C/UKR/CO/1, para. 44.
[97] See E/C.12/UKR/CO/6, para. 9.
[98] See CERD/C/UKR/CO/22-23, para. 24.
[99] See A/HRC/29/34/Add.3, para. 90.
[100] For relevant recommendations, see A/HRC/22/7, paras. 97.31, 97.41, 97.52-97.54 and 97.76-97.78.
[101] See CEDAW/C/UKR/CO/8, para. 26.

[102] Ibid., paras. 28-29. See also CAT/C/UKR/CO/6, para. 14, and country team submission, p. 9.
[103] See CEDAW/C/UKR/CO/8, paras. 9 and 14.
[104] Ibid., paras. 32-33. See also country team submission, p. 9.
[105] Country team submission, p. 8. See also CEDAW/C/UKR/CO/8, para. 32.
[106] For relevant recommendations, see A/HRC/22/7, paras. 97.22, 97.29, 97.39-97.42, 97.79, 97.86 and 97.115-97.116.
[107] Country team submission, p. 7.
[108] Ibid., p. 6.
[109] See CEDAW/C/UKR/CO/8, para. 47.
[110] Country team submission, pp. 6-7.
[111] For relevant recommendations, see A/HRC/22/7, paras. 97.16, 97.43 and 97.133-97.135.
[112] See CRPD/C/UKR/CO/1, paras. 4 and 7.
[113] Ibid., paras. 34-35. See also CEDAW/C/UKR/CO/8, para. 44.
[114] See CRPD/C/UKR/CO/1, paras. 13 and 22.
[115] For relevant recommendations, see A/HRC/22/7, paras. 97.63 and 97.136-97.141.
[116] Country team submission, p. 9.
[117] See A/HRC/28/64/Add.1, para. 86.
[118] Ibid., para. 95.
[119] Country team submission, p. 10.
[120] See E/C.12/UKR/CO/6, para. 8, and CCPR/C/UKR/CO/7, para. 12.
[121] See CERD/C/UKR/CO/22-23, para. 19.
[122] Ibid., para. 24. See also E/C.12/UKR/CO/6, para. 27.
[123] For relevant recommendations, see A/HRC/22/7, paras. 97.142-97.145.
[124] Country team submission, pp. 4-5.
[125] UNHCR submission for the universal periodic review of Ukraine, p. 2. See also CERD/C/UKR/CO/22-23, para. 25, and CAT/C/UKR/CO/6, para. 17.
[126] Country team submission, p. 5. See also CEDAW/C/UKR/CO/8, para. 16.
[127] See A/HCR/29/34/Add.3, para. 80.
[128] Ibid., para. 85. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20472&LangID=E.
[129] UNHCR submission, pp. 2-3.
[130] See also General Assembly resolution 68/262.
[131] See OHCHR reports dated 15 April 2014, paras. 80-92; 15 May 2014, paras. 117-154; 15 June 2014, paras. 283-326; 15 July 2014, paras. 184-195; 29 August 2014, paras. 159-171; 19 September 2014, paras. 184-195; 8 October 2014, paras. 207-240; 15 December 2014, paras. 79-85; 15 February 2015, paras. 92-103; 1 June 2015, paras. 156-171; 15 August 2015, paras. 143-160; 9 December 2015, paras. 143-160; 3 March 2016, paras. 183-200; 25 May 2016, para. 58; 3 June 2016, paras. 178-202; 15 September 2016, paras. 153-183; 8 December 2016, paras. 155-181; 16 February 2017, paras. 108-111; 15 March 2017, paras. 125-145; and 13 June 2017, paras. 140-174. All available from www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx.
[132] See OHCHR report dated 15 June 2014, para. 331 (w), recommendation reiterated in all subsequent OHCHR reports. See also A/HRC/28/64/Add.1, para. 76; and A/HRC/32/39/Add.1, para. 109.